

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 236

CASE NO. 77-45

September 14, 1978

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on January 23, February 27, June 22 and June 29, 1978 to consider proposed amendments to the text of the Zoning Regulations. Such amendments proposed to revise the regulations concerning the location of embassies, chanceries and international agencies, including the creation of a new Diplomatic District.

As a companion Order to this case, the Commission is also adopting Order No. 237, mapping the Diplomatic District at various locations in the District of Columbia. The Commission is also issuing a full statement of reasons, setting forth the basis for its decision on both the text and map cases.

The Commission believes that the amendments contained herein are in the best interests of the District of Columbia and are consistent with the intent and purposes of the Zoning Regulations and the Zoning Act. The Commission therefore hereby Orders adoption of those amendments to the Zoning Regulations specified in the document entitled "Zoning Text Amendment for Chanceries and International Agencies," dated September 14, 1978, a copy of which is attached hereto and made a part hereof.

Vote of the Commission taken at the public meeting held on July 24, 1978: 3-0 (Walter B. Lewis, George M. White and John G. Parsons to approve the changes, Theodore F. Mariani and Ruby B. McZier not present, not voting).

A handwritten signature in dark ink, appearing to read "Walter B. Lewis", written over a horizontal line.

WALTER B. LEWIS
Chairman

A handwritten signature in dark ink, appearing to read "Steven E. Sher", written over a horizontal line.

STEVEN E. SHER
Executive Director

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This order was adopted by the Zoning Commission at its public meeting held on September 14, 1978 by a vote of 4-0 (John G. Parsons, Theodore F. Mariani and Walter B. Lewis to adopt, Ruby B. McZier to adopt by proxy, George M. White not present, not voting).

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, these amendments to the Zoning Regulations are effective on 22 SEP 1978.

September 14, 1978

ZONING TEXT AMENDMENT
FOR
CHANCERIES AND INTERNATIONAL AGENCIES

Z. C. CASE 77-45

The proposed amendment is, as follows:

I. Amend and add new definitions in Section 1202,
as follows:

A. Delete the existing chancery definition and
substitute the following:

Chancery: The site and any building or buildings therein containing offices of a Foreign Mission and used for diplomatic, legation or consular functions. The term chancery shall include a chancery-annex or the business offices of those attaches of a foreign government who are under the personal direction and superintendence of the chief of mission and who are engaged in diplomatic activities recognized as such by the Department of State, Federal Government. The term chancery shall not include the business offices of nondiplomatic missions of foreign governments, such as purchasing, financial, educational, or other missions of a comparable nondiplomatic nature.

B. Delete the existing embassy definition and
substitute the following:

Embassy: The official residence of an ambassador or other chief of a diplomatic mission or that portion of a combined chancery/embassy devoted to use as such official residence.

- C. Insert a definition of an historic district, as follows:

Historic District: means an area, place, site, vicinity, or neighborhood, designated as such by the Joint Committee on Landmarks of the National Capital for inclusion in the District of Columbia Inventory of Historic Sites.

- D. Insert a definition of an historic landmark, as follows:

Historic Landmark: means a building, structure, site, place, monument, work of art or other similar object, designated as such by the Joint Committee on Landmarks of the National Capital for inclusion in the District of Columbia Inventory of Historic Sites.

- E. Insert a definition of an international agency, as follows:

International Agency: A public international agency which has been designated by Executive Order of the President as entitled to the privileges, exemptions, and immunities of the International Organization Immunities Act of 1945, as amended.

- II. Add a new Article 46, as follows:

ARTICLE 46

MIXED USE DIPLOMATIC DISTRICT (D) AND RELATED PROVISIONS FOR THE LOCATION OF CHANCERIES AND INTERNATIONAL AGENCIES

Section 4601 -- Preamble

This Article establishes regulations for the location of Chanceries and International Agencies, provides a review process to give special care to the protection of residential areas, and encourages the location of chanceries in commercial and mixed use Districts. The regulations are adopted in implementation of the Foreign Missions and Inter-

national Agencies Element of the Comprehensive Plan for the National Capital and other applicable provisions of law governing foreign missions and international agencies.

It provides that Chanceries may locate in medium-high and high density residential areas in commercial areas and in mixed use areas. It establishes a Mixed Use Diplomatic (D) District to be mapped in implementation of the Foreign Missions Element. It establishes standards for the review of locations of Chanceries in the (D) District and certain other specified Districts to assure that the Chancery is not in-
ing in which the use is to be conducted are compatible with the present and proposed development of the neigh-

This Article also provides for the location of embassies in Districts where residences are permitted and for the location of international agencies in Districts where offices are permitted.

Section 4602 -- Mixed Use Diplomatic (D) District

4602.1 -- The Mixed Use Diplomatic (D) District shall be mapped at suitable locations in implementation and International Agencies of the Foreign Missions/Element. The mapping shall be in combination with any District mapped at such location and shall not be in lieu of such District. All uses, buildings and structures permitted in accordance with this Section and the appropriate Sections of the regulations for the District with which the mapped (D) District is combined shall be permitted in such combined Districts. All restrictions and prohibitions provided with respect to either of the Districts so combined shall also apply, except as specifically modified by this Article.^{1/}

^{1/} The D District is always mapped in combination with another District. The provisions of both Districts apply. For example, where a D District is mapped together with an R-5-B District, the regulations of the D District and the regulations of the R-5-B District in regard to height, bulk and density apply to any chancery use. Such a combined designation will show on the Zoning Map as D/R-5-B.

Section 4603 -- Review Standards

4603.1 -- In areas mapped D, R-5-C, R-5-D, or SP, a Chancery is a permitted use, provided that the Board of Zoning Adjustment determines after a public hearing that the proposed Chancery is not incompatible with the present and proposed development of the neighborhood.^{2/}

4603.2 -- In determining that the proposed chancery is not incompatible with the present and proposed development of the neighborhood, the Board of Zoning Adjustment must find that:

4603.21 -- The architectural design and the arrangement of all structures and of off-street parking spaces are in keeping with the character of the neighborhood.

4603.22 -- The height of the building does not exceed the maximum permitted in the applicable single or combined District in which it is located.

4603.23 -- The percent of lot occupancy does not exceed the maximum permitted and the minimum yard and court requirements are met in the applicable single or combined District in which it is located.

4603.24 -- The maximum FAR does not exceed the FAR prescribed for the applicable single District or the combined Districts in which it is located or an FAR of 1.5, whichever is greater.

4603.25 -- Except for Chanceries located in an R-5-C or R-5-D District, off-street parking spaces will be provided at a ratio of not less than one such space for every eight hundred (800) square feet of gross floor area devoted to chancery use.

^{2/} For complementary use provisions and relevant development standards see:

R-5-C and R-5-D, 3105.4, 3201, 3301, 3302, 3303, 3304, 3305, 3306, and 3308;

SP, 4101.4, 4201, 4301, 4302, 4303, 4304, 4305, 4306, and 4307; and

4603.26 -- In an R-5-C District, off-street parking spaces will be provided at a ratio of not less than one such space for each twelve hundred (1,200) square feet of gross floor area devoted to Chancery use.

4603.27 -- In an R-5-D District off-street parking spaces will be provided at a ratio of not less than one such space for each one thousand eight hundred (1,800) square feet of gross floor area devoted to Chancery use.

4603.28 -- The use will not create dangerous or other objectionable traffic conditions.

Section 4604 -- Process

4604.1 -- The Board of Zoning Adjustment shall refer the application and site plan to the District of Columbia Municipal Planning Office (MPO) for coordination, review and report, said report to include any recommendations with respect to the application and site plan of other District departments and agencies including the Departments of Transportation, Environmental Services, and Housing and Community Development. Comment also shall be requested of the U. S. Department of State, the National Capital Planning Commission, and in areas of its jurisdiction, the U. S. Commission of Fine Arts.

4604.2 -- When the chancery is to be located in a designated historic district or historic landmark, the application shall be referred to the Historic Preservation Officer of the District of Columbia for a report on the impact of the proposed chancery on said district or landmark. To facilitate this review the applicant shall, at the request of the Historic Preservation Officer, submit exterior elevations of all buildings, and structures showing any proposed extension, alterations or additions. When mutually agreed, the Board of Zoning Adjustment shall have authority to arrange concurrent hearings with the Historic Preservation Officer.

4604.3 -- In making its determination that the proposed chancery is not incompatible with the present and proposed development of the neighborhood, the Board of Zoning Adjustment may require such special treatment and impose such reasonable conditions as it shall deem necessary to mitigate any adverse impacts identified in accordance with Sections 4603 and 4604. Such conditions may include but are not limited to the location of structures and facilities, off-street parking apaces, loading berths, curb cuts, and requirements for screening, noise control and the protection of historic districts and historic landmarks.

Section 4605 -- Chanceries in Other Districts

4605.1 -- In a W, CR, C-2-B, C-3, C-4 or C-5 District a chancery use shall be established in accordance with the height, yard, court, lot occupancy, floor area ratio, parking space and loading berth requirements of the District in which it is proposed to be located.^{3/}

4605.2 -- Chancery uses existing on 22 SEP 1978 (effective date of this amendment) may expand where located or be replaced by other chancery uses in accordance with this Article, provided that in any R-1-A, R-1-B, R-2, R-3, R-4, R-5-A, R-5-B, C-1, C-2-A or SP District any additions to the buildings or structures used as a chancery are approved in accordance with the provisions of Sections 4603 and 4604.^{4/}

3/ For complementary use provisions and relevant development standards see:

W, 4402, 4403, 4404, 4405, 4406, and 4407;
CR, 4502, 4503, 4504, 4505, 4506, and 4507; and
C-2-B, C-3, C-4, and C-5, 5102, 5201, 5301, 5302,
5303, 5304, 5305, 5306, and 5307.

4/ For complementary use provisions and relevant development standards see:

R-1-A, R-1-B, R-2, R-3, R-4, R-5-A, and R-5-B,
3101, 3201, 3301, 3302, 3302, 3304, 3305, 3306,
and 3307; and

C-1 and C-2-A, 5101.3, 5102, 5201, 5301, 5302, 5303,
5304, 5305 and 5306.

Section 4606 -- Embassies

4606.1 -- An embassy shall be permitted in any District except a C-M or M District, subject to the standards of use, occupancy and development of such District.^{5/}

Section 4607 -- International Agencies

4607.1 -- An international agency shall be permitted in any SP, W, CR, C-2-B, C-3, C-4, or C-5 District provided that:

4607.11 -- The international agency is established in accordance with the standards of use, occupancy and development of the District in which it is located.

4607.12 -- In an SP District the establishment of international agency is approved in accordance with the provisions of Sections 4603 and 4604.^{6/}

5/ For complementary use provisions and relevant development standards see:

R-1-A, R-1-B, R-2, R-3, R-4, R-5, 3101.3, 3201, 3301, 3302, 3303, 3304, 3305, 3306, 3307 and 3308; SP, W, CR and C, Articles 41, 42, 43, 44, 45, and Chapter 5.

6/ For complementary use provisions and relevant development standards see:

SP, 4101.4, and Articles 42 and 43; W and CR. Articles 44 and 45; C-2-B, 5102.3 and Articles 52, 53, and 54; and C-3, 5103, 5104, and Articles 52, 53, and 54.

Section 4608 -- Pending PUD Applications

4608.1 -- All valid applications to locate chanceries or international agencies under procedures of the planned unit development process (PUD) filed before October 6, 1977 and pending on 22 SEP 1978 (effective date of this amendment) may, at the option of the applicant, continue to be processed under those procedures.^{7/}

III. Other sections of the Zoning Regulations shall be amended, as follows:

A. Amend Sub-section 3101.310, Residential Use Regulations, as follows:

3101.310 -- Embassy, pursuant to the provisions of Article 46, Section 4606.

B. Add a new paragraph as follows:

3101.313 -- Chancery use existing on 22 SEP 1978 (effective date of this amendment) provided that before any additions to buildings or structures shall be made, the Board of Zoning Adjustment determines after a public hearing that the proposed use and the building in which the use is to be located are compatible with the present and proposed development of the neighborhood, pursuant to the provisions of Article 46, Sub-section 4605.2

^{7/} For relevant PUD procedures and development standards see 7501.

C. Delete existing paragraph 3101.410 and the related foot note. Renumber existing paragraph 3101.411 to become 3101.410, renumbering subsequent paragraphs.

D. Add a new paragraph as follows:

3105.46 -- Chancery in the R-5-C and R-5-D Districts, provided that the Board of Zoning Adjustment determines after a public hearing that the proposed use and the building in which the use is to be located are not incompatible with the present and proposed development of the neighborhood, pursuant to the provisions of Article 46, Sections 4601, 4603 and 4604.

E. Amend the SP District regulations as follows:

1. Delete chanceries from the list of uses in Sub-section 4101.35 and 4101.42.

2. Add a new paragraph:

4101.49 -- Chancery or international agency, provided that the Board of Zoning Adjustment determines after a public hearing that the proposed use and the building in which the use is to be located are not incompatible with the present and proposed development of the neighborhood, pursuant to the provisions of Article 46, Sections 4603, 4604, and 4605 or 4607.

- F. Amend the W and CR District regulations by adding the following paragraphs:

4402.220 -- Chancery or international agency, pursuant to the provisions of Article 46, Sections 4605 or 4607.

4502.221 -- Chancery or international agency, pursuant to the provisions of Article 46, Sections 4605 or 4607.

- G. Amend the C-1 District regulations as follows:

5101.37 -- Office, except new chanceries and international agencies.

5101.39 -- Chancery use existing on 22 SEP 1978 (effective date of this amendment) provided that before any additions to buildings or structures shall be made, the Board of Zoning Adjustment determines after a public hearing that the proposed use and the building in which the use is to be located are not incompatible with the present and proposed development of the neighborhood, pursuant to the provisions of Article 46 and Subsection 4605.

- H. Amend the C-2 District regulations as follows:

5102.37 -- Chancery or international agency in the C-2-B District, pursuant to the provisions of Article 46, Sections 4605.1 and 4607.1.

- I. Amend the C-M District regulations to add a new paragraph 6101.34, renumbering subsequent paragraphs.

6101.34 -- Chancery or international agency use existing on 22 SEP 1978 (effective date of this amendment).

Add to the end of Paragraph 6101.31 the following:

"and chanceries and international agencies".

J. Amend Subsection 8207.2, as follows:

1. Delete the following:

Chancery, any R District, 3101.410
and New Office building - chancery,
SP District, 4101.42.

2. Add the following:

<u>Chancery</u> , expansion	Any R <u>District</u>	3101.313, 4603, 4604
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<u>Chancery</u>	R-5-C or R-5-D	3105.46, 4603, 4604
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	SP	4101.49, 4603, 4604
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<u>International</u> <u>Agency</u>	SP	4101.49, 4603, 4604
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K. Amend Section 2101 to include the D District,
as follows:

2101.17 -- Mixed Use Diplomatic District
D -- Low and medium density.